

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDELL EMBRY,

Plaintiff,

v.

PIERCE COUNTY DETENTION
CORRECTIONS CENTER, *et al*,

Defendants.

Case No. C09-5276 RBL

ORDER DENYING MOTION
FOR RETURN OF FILING FEE

This matter comes before the Court on request of Plaintiff that the Court return or remit Plaintiff's filing fee in the above referenced matter. The Court, having reviewed Plaintiff's request and the record herein, is fully informed and **DENIES** the motion.

On June 12, 2009, Plaintiff Embry was granted leave to proceed *in forma pauperis*. On November 23, 2009, this Court adopted the Report and Recommendation of the Magistrate Judge dismissing Plaintiff's civil rights claim as frivolous pursuant to 28 U.S.C. § 1915.

There is no statutory authority to waive the filing fee. Once a prisoner has been granted *in forma pauperis* status, 28 U.S.C. 1915(b)(1) states that a prisoner allowed to file *in forma pauperis* "shall be required to pay the full amount of the filing fee."

ACCORDINGLY:

IT IS ORDERED:

Plaintiff's request for return or remittance of the filing fee is **DENIED**.

DATED this 19th day of April, 2010


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE